

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 375 OF 2023

Rajesh Kumar	..Applicant.
Versus	
The State of Maharashtra & Anr.	..Respondents

Mr. Vikram Sutaria a/w. Agastya Desai for Applicant.
Mr. Arfan Sait, APP for State/Respondent No.1.
Mr. J. A. Udaipuri a/w. Ms. S. P. Trivedi a/w. Sandeep Hirvadekar
for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 26 SEPTEMBER 2023

PC :

1. Learned counsel for the Applicant seeks liberty to withdraw this application to approach the Court of Sessions by way of filing a criminal revision application against the impugned order. He submitted that, the impugned order was passed on 18.03.2023 by the Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. Thereafter, he had immediately approached this Court. However, he agrees that, there is an efficacious remedy to approach the Court of Sessions.

2. Learned counsel for the Respondent No.2 does not have

any objection. Learned APP also does not have any objection. Therefore, the Applicant is permitted to withdraw this application with a specific liberty to approach the Court of Sessions to file criminal revision application against the impugned order dated 18/03/2023. If the question of limitation arises, the revisional court shall take into account the fact that the applicant had immediately approached this Court in the month of March 2023 itself and had pursued the present criminal application.

3. Learned counsel for the applicant submits that the applicant's wife is not well and, therefore, directions be issued to the Sessions Court to decide the criminal revision application, if filed, expeditiously. The request is reasonable. If such criminal revision application is filed, it shall be decided in accordance with law, expeditiously; after hearing all the parties including the Respondent No.2 herein.

4. The Criminal application is disposed of.

(SARANG V. KOTWAL, J.)